

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

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**ADAPTIX, INC.,**

Plaintiff,

v.

**KYOCERA CORPORATION,  
KYOCERA COMMUNICATIONS, INC.,  
KYOCERA INTERNATIONAL, INC.,  
KYOCERA AMERICA, INC., and  
SPRINT SPECTRUM L.P.,**

Defendants.

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Civil Action No. 6:13-cv-854-LED

**JURY TRIAL DEMANDED**

**PLAINTIFF’S REPLY TO DEFENDANTS KYOCERA CORPORATION, KYOCERA  
COMMUNICATIONS, INC., KYOCERA INTERNATIONAL, INC., AND KYOCERA  
AMERICA, INC.’S COUNTERCLAIMS**

Plaintiff, ADAPTIX, Inc. (“ADAPTIX”), replies to the counterclaims of Defendants Kyocera Corporation, Kyocera Communications, Inc., Kyocera International, Inc., and Kyocera America, Inc. (collectively “Kyocera”), as follows:

**COUNTERCLAIMS**

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. ADAPTIX is a Delaware corporation with its principal place of business in the Eastern District of Texas at 2400 Dallas Parkway, Suite 200, Plano, Texas 75093.

6. Admitted.

7. Admitted.

8. ADAPTIX admits that venue is appropriate in this judicial district and that Counterclaims are in response to the ADAPTIX complaint. ADAPTIX denies all other allegations of Paragraph 8.

**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 7,454,212  
("the '212 Patent"))**

9. ADAPTIX incorporates by reference its responses contained in Paragraphs 1-8 above as if fully restated in this paragraph.

10. ADAPTIX admits that an actual, continuing, and justiciable controversy exists between Kyocera and ADAPTIX regarding infringement of the '212 Patent. ADAPTIX denies all other allegations of Paragraph 10.

11. ADAPTIX admits that Kyocera requests a judicial determination and declaration pursuant to the Federal Declaratory Judgment Act. ADAPTIX denies all other allegations of Paragraph 11.

**(Declaratory Judgment of Invalidity of the '212 Patent)**

12. ADAPTIX incorporates by reference its responses contained in Paragraphs 1-11 above as if fully restated in this paragraph.

13. ADAPTIX admits that an actual, continuing, and justiciable controversy exists between Kyocera and ADAPTIX regarding validity of the '212 patent. ADAPTIX denies all other allegations of Paragraph 13.

14. ADAPTIX admits that Kyocera requests a judicial determination and declaration pursuant to the Federal Declaratory Judgment Act. ADAPTIX denies all other allegations of Paragraph 14.

**(Declaratory Judgment of Non-Infringement of U.S. Patent No. 6,947,748**

**(“the ‘748 Patent”))**

15. ADAPTIX incorporates by reference its responses contained in Paragraphs 1-14 above as if fully restated in this paragraph.

16. ADAPTIX admits that an actual, continuing, and justiciable controversy exists between Kyocera and ADAPTIX regarding infringement of the ‘748 patent. ADAPTIX denies all other allegations of Paragraph 16.

17. ADAPTIX admits that Kyocera requests a judicial determination and declaration pursuant to the Federal Declaratory Judgment Act. ADAPTIX denies all other allegations of Paragraph 17.

**(Declaratory Judgment of Invalidity of the ‘748 Patent)**

18. ADAPTIX incorporates by reference its responses contained in Paragraphs 1-17 above as if fully restated in this paragraph.

19. ADAPTIX admits that an actual, continuing, and justiciable controversy exists between Kyocera and ADAPTIX regarding validity of the ‘748 patent. ADAPTIX denies all other allegations of Paragraph 19.

20. ADAPTIX admits that Kyocera requests a judicial determination and declaration pursuant to the Federal Declaratory Judgment Act. ADAPTIX denies all other allegations of Paragraph 20.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

The Counterclaims fail to state a claim for which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

Defendants infringe one or more claims of U.S. Patent Nos. 7,454,212 and 6,947,748.

**PRAYER FOR RELIEF**

WHEREFORE, ADAPTIX respectfully requests that this Court:

- a. Enter judgment in favor of ADAPTIX on all issues set forth in Defendant Kyocera's Answer and Counterclaims;
- b. Deny all relief requested in Defendant Kyocera's Answer and Counterclaims;
- c. Grant the relief requested by ADAPTIX in its Complaint, and
- d. Grant ADAPTIX such further relief as this Court may deem just and proper.

**JURY DEMAND**

ADAPTIX demands trial by jury on all issues set forth in Defendant Kyocera's Answer and Counterclaims so triable.

Date: March 19, 2014

**ADAPTIX, INC.**

By: /s/ Paul J. Hayes  
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**ATTORNEYS FOR PLAINTIFF  
ADAPTIX, INC.**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 19th day of March, 2014, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Paul J. Hayes